

Message Text

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ACTION ARA-10

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R 162230Z MAY 75

FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 8118

C O N F I D E N T I A L SAN SALVADOR 1940

E.O. 11652 - GDS

TAGS: ETRKD, EINV, ES

SUBJ: INTERNATIONAL RAILROAD OF CENTRAL AMERICA (IRCA)

REF: SAN SALVADOR 0243; SAN SALVADOR 0988 AND PREVIOUS

1. IRCA LAWYER TRIGUEROS VISITED EMBASSY 16 MAY AND DISCUSSED CURRENT STATUS OF IRCA CASE WITH EMBOFFS AND HIS EFFORT TO LEARN OF THE LEGAL RECOURSE OPEN TO IRCA AS CONVEYED TO HIM VIA THE EMBASSY (SAN SALVADOR 1678 AND 0988).

2. TRIGUEROS REPEATED HIS INFORMED LEGAL OPINION THAT IRCA HAS AVAILABLE NO VIABLE COURSE OF ACTION WITHIN EL SALVADOR FOR ITS EFFORTS TO OBTAIN REDRESS FOR LOSS OF CONTROL OF ITS PROPERTIES HERE. TRIGUEROS DISPLAYED A LETTER DATED APRIL 25, 1975 FROM ABRAHAM K WEBER DISCUSSING CERTAIN DETAILS OF THE IRCA CASE. (COPY POUCHED TO ARA/CEN/ES). HE ALSO DESCRIBED SEVERAL CONVERSATIONS HE HAS HAD WITH GOES OFFICIALS CONCERNING THE IRCA CASE. TRIGUEROS SAID DR. SILVA, MINISTER OF THE PRESIDENCY, REMAINS THE KEY GOES OFFICIAL ON THE IRCA QUESTION. IN A CONVERSATION WITH HIM AROUND MAY 1 HE SOUGHT TO CONFIRM WHAT AMBASSADOR BETRAND GALINDO TOLD THE AMBASSADOR CONCERNING "EXISTING LEGAL RECOURSES." TRIGUEROS' IMPRESSION WAS THAT SILVA WAS UNAWARE OF WHAT AMBASSADOR BETRAND SPOKE AND HIS INITIAL REACTION WAS THAT IRCA HAD NO RECOURSE. NONETHELESS, DR. CONFIDENTIAL

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SILVA AGREED TO

CONSIDER THE MATTER FURTHER, SPEAK WITH PRESIDENT MOLINA, AND LOOK INTO THE ISSUES OF PENSIONS FOR TWO AMCIT IRCA PENSIONERS AND THE RETURN TO IRCA OF ITS RECORDS. AS OF MAY 16, TRIGUEROS AWAITS DR SILVA'S MORE DEFINITIVE RESPONSE. TRIGUEROS SAYS HE HAS NOT BEEN RECEIVED BY ECONOMY MINISTER HIDALGO QUEHL AND HE ANTICIPATES SPEAKING WITH FONMIN BORGONOVO ASAP.

3. WEBER HAS THUS FAR, HOWEVER, APPARENTLY NOT PROVIDED TRIGUEROS WITH PRECISE INSTRUCTIONS CONCERNING THE COURSE OF ACTION HE SHOULD FOLLOW. NOR, ACCORDING TO TRIGUEROS, HAS WEBER PROVIDED THE DETAILED DATA HE WOULD PROBABLY NEED IN ORDER TO FILE A MEANINGFUL CLAIM FOR COMPENSATION.

4. EMBOFFS EXPRESSED APPRECIATION FOR TRIGUEROS' INFORMATION ON THE CURRENT STATUS OF IRCA AND FOR HIS INFORMED OPINIONS CONCERNING IRCA'S CHANCES OF OBTAINING COMPENSATION IN LOCAL COURTS. HOWEVER, THEY ALSO SUGGESTED THAT IT MAY NOT BE POSSIBLE TO DETERMINE FORMALLY WHETHER OR NOT IRCA HAS EXHAUSTED ITS LOCAL LEGAL REMEDIES UNTIL AN ACTUAL ATTEMPT HAS BEEN MADE IN SALVADORAN COURTS TO SEEK LEGAL REDRESS. TRIGUEROS APPEARED TO UNDERSTAND THIS POINT AND SUGGESTED THAT HEY MAY DECIDE TO TEST THE LEGAL WATERS.

5. FYI: TRIGUEROS HAS ALLUDED SEVERAL TIMES TO THE FAILURE OF WEBER TO OFFER FAIR, PROMPT AND ADEQUATE COMPENSATION TO IRCA'S LAWYER, HIMSELF, FOR EXPENSES BEING INCURRED ON IRCA'S BEHALF. SOME OF THE APPARENT DELAY IN PURSUING IRCA'S INTERESTS MAY STEM FROM WEBER'S PERCEIVED RELUCTANCE TO INVEST MONEY IN THE BATTLE.

6. COMMENT: IT IS DIFFICULT TO ASCERTAIN WHETHER THE STATUS OF IRCA'S CASE IS DUE MORE TO WEBER'S LACK OF COMMITMENT AND INSTRUCTIONS, DR TRIGUEROS' LACK OF ENTHUSIASM, OR TO THE POSSIBILITY OF A GOES STRATEGY OF TIME BUYING VIA BUCK PASSING. AFTER AMBASSADOR BETRAND'S INITIATIVE WITH THE EMBASSY WE ENCOURAGED HIM TO SPEAK DIRECTLY WITH TRIGUEROS AND WE ENCOURAGED TRIGUEROS TO CONFIRM THE GOES MESSAGE ON RECOURSE WITH BORGONOVO AND SILVA. TRIGUEROS SAYS HE WAS UNCONFIDENTIAL

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SUCCESSFUL IN GETTING AN APPOINTMENT WITH BETRAND AND HIS ATTEMPTS TO CONFIRM THE EXISTENCE OF LEGAL RECOURSE HAVE THUS FAR BEEN TUBRUITLESS. WE ARE NOT YET CLEAR NOR SATISFIED ON THE BASIC ISSUES OF LEGAL RECOURSE AND WILL CONTINUE TO ENCOURAGE IRCA AND GOES DIALOGUE AND WILL REPORT ACCORDINGLY. CAMPBELL

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